



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 14, 1995

Mr. Dean J. Johnson
Police Legal Adviser
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR95-771

Dear Mr. Johnson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34319.

Your agency received an open records request from an individual incarcerated in a correctional facility. The Texas Legislature recently enacted certain legislation that affects the ability of incarcerated individuals to obtain, under the Open Records Act, information held by governmental entities in Texas. Section 1 of House Bill 949 amended the Open Records Act by adding section 552.027 of the Government Code, which provides as follows:

Sec. 552.027. REQUEST FOR INFORMATION FROM INCARCERATED INDIVIDUAL. (a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by the governmental body pertaining to that individual.

(c) In this section, 'correctional facility' has the meaning assigned by Section 1.07(a), Penal Code.

H.B. 949, 74th Leg., R.S. With regard to the effective date of this amendment, section 8 of House Bill 949 specifically provides:

The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The provisions of section 552.027 of the Government Code govern your request. Because the individual requesting the information at issue is "an individual who is imprisoned or confined in a correctional facility," the Open Records Act gives your agency the discretion to either "comply with" this open records request or deny it in its entirety.

Yours very truly,

*Open Government Section
of the Opinion Committee*

Ref.: ID# 34319

Enclosures: Submitted documents

cc: Mr. Leonard T. Evans
TDCJ No. 683153
Route 3, Box 300
Navasota, Texas 77869
(w/o enclosures)